

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**TENNESSEE CONFERENCE OF THE )  
NATIONAL ASSOCIATION FOR THE )  
ADVANCEMENT OF COLORED )  
PEOPLE, on behalf of itself and its members, )  
and LAMAR PERRY, CURTIS GRAY JR., )  
JOHN WEARE, BENJAMIN TOURNIER, )  
LEOLA SCOTT, and REGINALD HENDRIX, )  
For themselves and those similarly situated, )**

**Plaintiffs,**

**v.**

**WILLIAM LEE, in his official capacity as )  
Governor of the State of Tennessee; FRANK )  
STRADA, in his official capacity as )  
Commissioner of the Department of Correction )  
of the State of Tennessee; MARK GOINS, in )  
his official capacity as Coordinator of Elections )  
for the State of Tennessee; and )  
TRE HARGETT, in his official capacity as )  
Secretary of State of Tennessee. )**

**Defendants.**

**No. 3:20-cv-01039**

**Judge Campbell  
Magistrate Judge Frensley  
Magistrate Judge Newbern**

---

**MOTION OF DEFENDANTS FOR RELIEF  
FROM INSTRUCTION 13 IN THE MAY 10, 2024 ORDER**

---

Defendants request relief from the Court’s instruction that a person with “full settlement authority” be present for the June 20, 2024, judicial settlement conference. (Order, D.E. 228 PageID # 3721, ¶ 13.) Under Tennessee law, no Defendant here has “total independent authority to enter into any settlement agreement” that may be reached at the conference. (*Id.*)

As background, Plaintiffs have named the Governor of Tennessee, the Commissioner of the Tennessee Department of Correction, the Tennessee Coordinator of Elections, and the

Tennessee Secretary of State, in their official capacities as officers of the State, as Defendants. (First Am. Compl., D.E. 102, PageID # 627-28.) On April 18, 2024, the district court judge ordered the parties to participate in a settlement conference regarding Plaintiffs’ due process, equal protection, and National Voter Registration Act claims. (Order, D.E. 222, PageID # 3693.) On May 10, 2024, this Court entered an order setting the date of the judicial settlement conference and the parties’ requirements prior to, and on the date of, the conference. (Order, D.E. 228, PageID # 3719-21.)

Tennessee law provides the Attorney General and Reporter with authority to “compromise and settle . . . any civil litigation to which the state may be a party” and “upon such terms as in the attorney general and reporter’s opinion may seem to be in the best interest of the state.” Tenn. Code Ann. § 20-13-103. However, for any “comprise and settlement” exceeding \$25,000, the Attorney General and Reporter must obtain the “[w]ritten approval of the comptroller of the treasury and governor.” *Id.* And if the “compromise and settlement will result in a significant increase in state expenditures, affect the bond rating of the state[,] or result in a decision on a policy issue that may result in a significant increase in state expenditures,” the Attorney General and Reporter must also obtain the “written approval of the speaker of the senate and the speaker of the house of representatives.” *Id.* For any agreement changing “state election laws or rules,” “[s]tate officials” must “consult with the speaker of the senate and the speaker of the house of representatives prior to entering” the agreement. Tenn. Code Ann. § 2-1-120(b).

Defendants will participate in good faith with the Court’s requirements for the judicial settlement conference. And should the parties agree to a tentative settlement, Defendants and their counsel will work diligently to submit the proposed settlement to the required statutory officers for review. But under Tennessee law, neither Defendants nor their representatives have

“independent” or “full settlement authority” “to enter into any settlement agreement” that may be reached at the settlement conference. (Order, D.E. 228, PageID # 3721.) Since any settlement and compromise in this matter is likely to exceed \$25,000 or result in a decision on a policy issue that could significantly increase State expenditures, Tenn. Code Ann. § 20-13-103, Tennessee law requires Defendants to obtain written approval of the settlement from non-party statutory officers. Therefore, Defendants request that they be released from the requirement that they appear at the June 20, 2024, judicial settlement conference with “full settlement authority.”

Respectfully submitted,

JONATHAN SKRMETTI  
Attorney General and Reporter

/s/ Robert W. Wilson  
Senior Assistant Attorney General, BPR #34492

ANDREW COULAM  
Deputy Attorney General

DAWN JORDAN  
Senior Counsel

DAVID RUDOLPH  
Senior Assistant Attorney General

ZACHARY L. BARKER  
Assistant Attorney General

Public Interest Division  
Office of Tennessee Attorney General  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-6440  
Andrew.Coulam@ag.tn.gov  
Dawn.Jordan@ag.tn.gov  
Zachary.Barker@ag.tn.gov  
David.Rudolph@ag.tn.gov  
Robert.Wilson@ag.tn.gov

### **CERTIFICATE OF CONSULTATION**

In accordance with Local Rule 7.01(a)(1), on May 23, 2024, undersigned counsel for Defendants contacted Charles K. Grant, counsel for Plaintiffs, by telephone and left a message, and on May 24, 2024, undersigned counsel contacted Mr. Grant and Blair Bowie, counsel for Plaintiffs, by electronic mail regarding Defendants' requested relief in this motion. Counsel for Plaintiffs indicated that they take no position at this time but will consider the motion once filed.

/s/ Robert W. Wilson  
Senior Assistant Attorney General

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing document has been forwarded electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

Blair Bowie  
Danielle Lang  
Alice C. Huling  
Valencia Richardson  
Aseem Mulji  
Ellen Boettcher  
Kate Uyeda  
Campaign Legal Center  
1101 14<sup>th</sup> Street NW, Suite 400  
Washington, DC 20005

Phil Telfeyan  
Natasha Baker  
Equal Justice Under Law  
400 7<sup>th</sup> St. NW, Suite 602  
Washington, DC 20004

Charles K. Grant  
Denmark J. Grant  
Baker, Donelson, Bearman  
Caldwell & Berkowitz, P.C.  
1600 West End Avenue, Suite 2000  
Nashville, TN 37203

Keeda Haynes  
Free Hearts  
2013 25<sup>th</sup> Ave. N.  
Nashville, TN 37208

Date: May 24, 2024

/s/ Robert W. Wilson  
Senior Assistant Attorney General